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# LIST

OF MORE RECENT WORKS ON

## FEDERAL CONTROL OF COMMERCE AND CORPORATIONS

Compiled under the direction of  
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1907

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# LIST OF MORE RECENT WORKS ON FEDERAL CONTROL OF COMMERCE AND CORPORATIONS.

**American academy of political and social science.** [Federal regulation of corporations.]

*Philadelphia: American academy of political and social science, 1905.* (2), 173 pp. 4°. (*The annals of the American academy of political and social science.* vol. XXVI, no. 3.)

— The scope and limits of federal antitrust legislation: Addresses at the eighth annual meeting, and papers by James M. Beck . . . Charlton T. Lewis . . . James Wilford Garner.

*Philadelphia: American academy of political and social science; London: P. S. King & Son; [etc.] 1904.* (4), 89-147 pp. 8°. (*Publications of the American academy of political and social science*, no. 430.)

## CONTENTS.

The federal power over trusts, by J. M. Beck; The scope and limits of congressional legislation against the trusts, by C. T. Lewis; The Northern securities case, by J. W. Garner.

**Ames, Herman Vandenburg, ed.** State documents on federal relations: the states and the United States.

*Philadelphia: The department of history of the University of Pennsylvania, 1906.* (4), 3-7, 320 pp. 12°.

Part III. State taxation as affecting commerce; Taxation of imports and exports; Duties of tonnage; Taxation of property; Privilege and occupation taxes; Taxation of corporate franchises; Discrimination by taxation.

**Beale, Joseph Henry, jr.** The law of railroad rate regulation, with special reference to American legislation.

*Boston: W. J. Nagel, 1906.* lii, 1285 pp. 8°.

**Calvert, Thomas H.** Regulation of commerce under the federal constitution.

*Northport, Long Island, N. Y.: Edward Thompson company, 1907. xiv, 380 pp. 8°. (Studies in constitutional law.)*

CONTENTS.—Part I. The constitutional provisions and the general power of Congress and the states: The constitutional provisions generally; The general power of Congress; The general power of the states. Part II. Subjects of regulation: Manufacture and production; Sale, purchase, and exchange of commodities; Transportation of persons and property generally; Railroad and express companies; Telegraph and telephone companies; Navigation and navigable waters; Ships and shipping; Bridges; Sundry subjects of regulation; Discriminative state statutes.

**Cowan, S. H.** Government regulation of interstate commerce.

*(In National live stock association. Proceedings. Eighth annual convention, 1905, pp. 93-111. Denver, 1905. 8°.)*

**Fink, Henry.** Regulation of railway rates on interstate freight traffic. 2d ed.

*New York: The Evening post job printing office, 1905. v, 236 pp. 8°.*

CONTENTS.—I. Regulation by the railroads, or self-government. II. Regulation by federal government. III. Additional legislation.

**Freund, Ernst.** The police power, public policy and constitutional rights.

*Chicago: Callaghan & company, 1904. xcii, [2], 819 pp. 8°.*

"The federal government and the police power," pp. 62-83.

**Haines, Henry Stevens.** Railway corporations as public servants.

*New York, London: The Macmillan company, 1907. iv, 233 pp. 8°.*

After an exposition of the evolution of the public service performed by railroad corporations, the author considers the present relations between the railroad companies, the people, and the federal government with view to the regulation of railway service.

**Harts, William W.** The control of hydraulic mining in California by the federal government.

*(In American society of civil engineers. Proceedings, vol. 32, Feb., 1906, pp. 95-124. New York, 1906. 8°.)*

**Hendrick, Frank.** The power to regulate corporations and commerce; a discussion of the existence, basis, nature, and scope of the common law of the United States.

*New York and London: G. P. Putnam's sons, 1906. lxxii, 516 pp. 8°.*

**Jenks, Jeremiah W.** How Congress may control trusts.

(In *La Follette, Robert M. ed. The making of America*, vol. 3, pp. 222-230. Chicago, 1906. 8°.)

**Jones, Paul.** The commercial power of Congress.

*New York: Private printing [press of C. S. Nathan] 1904. (6), 245 pp. 8°.*

**Judson, Frederick Newton.** The law of interstate commerce and its federal regulation.

*Chicago: T. H. Flood & co., 1905. xix, 509 pp. 8°.*

**Marburg, Theodore.** State interference.

(In *American political science association. Proceedings at its second annual meeting*, pp. 187-197. Lancaster, Pa., 1906. 8°.)

**Meade, Edward Sherwood.** Trust finance; a study of the genesis, organization, and management of industrial combinations.

*New York: D. Appleton and company, 1903. ix, 387, (2) pp. 12°.* [*Appletons' business series.*]

"The first essential to . . . reform in our corporation law is national control of all our corporations."

**Noyes, Walter Chadwick.** American railroad rates.

*Boston: Little, Brown, and company, 1905. (10), 277 pp. 8°.*

This writer is a judge of the court of common pleas in Connecticut, and a railroad president. Argues that the railroads should favor conservative legislation. In a chapter on "Federal regulation" he discusses effective legislation and proposes:

*First.* A special court should be created in accordance with the constitutional provisions concerning the federal judiciary. Complaints made by persons aggrieved—or in their behalf by a public official or board—that specific railroad rates upon interstate traffic are unreasonable and unjust should be presented to this court. After speedy notice to the carrier the court should summarily inquire into the reasonableness of the rate complained of. If found reasonable, the complaint should be dismissed; if found unreasonable, the court should enjoin its further collection. This would end the function of the court.

**Patterson, Christopher Stuart.** The United States and the states under the constitution. 2d ed., with notes and references to additional authorities, by Robt. P. Reeder.

*Philadelphia: T. & J. W. Johnson & co., 1904. xli, 347 pp. 8°.*

**Prentice, Ezra Parmalee.** The federal power over carriers and corporations.

*New York, London: The Macmillan company, 1907. xi, 244 pp. 8°.*

The writer reviews the history of state and federal legislation regarding transportation with copious citations to support his thesis denying the right of federal regulation of carriers under the commerce clause of the Constitution.

**Smythe, William E.** Constructive democracy, the economics of a square deal.

*New York: The Macmillan company, 1905. viii, 457 pp. 8°.*

"The taming of monopoly," pp. 53-260; "Mr. Garfield's propositions," pp. 176-185.

**Snyder, William Lamartine.** The interstate commerce act and federal anti-trust laws, including the Sherman act; the act creating the Bureau of corporations; the Elkins act; the act to expedite suits in the federal courts; acts relating to telegraph, military, and post roads; safety appliance law affecting equipment of cars used in inter-state commerce, with all amendments. With comments and authorities and a Supplement.

*New York: Baker, Voorhis & company, 1906. 2 vol. Frontispiece. Map. 8°.*

Vol. 2 has title: Supplement to Snyder's Interstate commerce act and federal anti-trust laws embracing the Railway rate bill approved June 29, 1906, . . . including also the Employers' liability bill, Pure food bill, Meat inspection bill, and Hall-mark or Jewelers' library bill. . . .

**Spelling, Thomas Carl.** Bossism and monopoly . . .

*New York: D. Appleton and company, 1906 [1905]. ix, [1], 358 pp. 12°.*

"Government activity to meet rapidly changing conditions . . . is the crying need of the hour. Governmental passiveness means national death."

**Stickney, Alpheus Beede.** The defects of the interstate commerce law. An address by A. B. Stickney at a meeting of the Washington economic society.

*[Washington? 1905.] 25 pp. 8°.*



United States. *Bureau of Corporations*. Report of the Commissioner of corporations. December, 1904.

Washington: Government printing office, 1904. (2), 71 pp. 8°. (58th Cong., 3d sess. House doc. no. 165.)

Recommends a Federal franchise or license system for interstate commerce. Contains the following appendices: Appendix A. Federal incorporation—can Congress create corporations to engage in interstate commerce and also grant them franchises to produce? Appendix B. Federal franchise system for interstate commerce. Appendix C. Consideration of details.

— Report of the Commissioner of corporations on the transportation of petroleum. May 2, 1906.

Washington: Government printing office, 1906. xxvii, 512 pp. Maps. Facsimiles. Diagrams. 8°.

— Congress. House. Committee on interstate and foreign commerce. Hearings before the Committee on interstate and foreign commerce of the House of representatives on H. R. 10431, 6273, 6768, 7640, 10008, 11434, 11594, 13778, 12767, 15600, 16301, to amend the interstate-commerce law. [Dec. 9, 1904—Jan. 25, 1905.]

Washington: Government printing office, 1905. 411 pp. 8°.

— Hearings before the Committee on interstate and foreign commerce of the House of representatives on bills to amend the interstate-commerce act. House report 4093; Amending the interstate-commerce act; The anti-trust act, and acts supplementary thereto.

Washington: Government printing office, 1905. (2), 411, 282, 19, 46 pp. 8°. (58th Congress, 3d session. House document no. 422.)

CONTENTS.—Proposed enlargement of the powers of the Interstate commerce commission; To amend the interstate-commerce law relating to private car lines. Amending the interstate-commerce act; The act to regulate commerce (as amended), and acts supplementary thereto; The Antitrust act, and acts supplementary thereto, 1887-1905.

— Powers of the Interstate commerce commission . . . Report. [To accompany H. R. 12987.]

Washington: Government printing office, 1906. 30 pp. 8°. (59th Congress, 1st session. House Rept. 591.)

Submitted by Mr. Hepburn. Ordered printed, Jan. 27, 1906.

— House. Committee on the judiciary. National incorporation law. Hearing before the House committee on the judiciary. February 10, 1904.

Washington: Government printing office, 1904. 3 pp. 8°. Contains statement by F. B. Thurber.

**United States.** *House. Committee on the judiciary.* Hearing before the Committee on the judiciary of the House of Representatives, 59th Congress, 1st session [February 21-March 20, 1906] in relation to H. R. 3159, H. R. 13655, H. R. 13856, H. R. 16479. . . .

*Washington: Government printing office, 1906. 316 pp. 8°.*

Bills concerning the transportation of intoxicating liquors from one state or territory into another state or territory.

————— *Hepburn-Dolliver bill.* Full hearings before the Committee on the judiciary of the House of Representatives on the bill (H. R. 4072) entitled "A bill to limit the effect of the regulation of commerce between the several states and with foreign countries in certain cases". . .

*Washington: Government printing office, 1904. 306 pp. 8°.*

————— *Senate. Committee on interstate commerce.* Duties and powers of the Interstate commerce commission. Hearings, December 16, 1904, and subsequently.

*Washington: Government printing office, 1905. 309 pp. 8°.*

————— "Railway freight rates and pooling." Hearings before the Committee on interstate commerce, United States Senate [Feb. 7, April 17, 1902] having under consideration the bills (S. 3521) "to enlarge the jurisdiction and powers of the Interstate commerce commission," introduced Feb. 4, 1902, by Mr. Elkins; and (S. 3575) "to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof," introduced February 5, 1902, by Mr. Nelson. Vol. 1.

*Washington: Government printing office, 1902. xix, (1), 210, 28 pp. 8°.*

Pp. 1-28, Appendix, has separate title-page: The act to regulate commerce, as amended, together with acts supplementary thereto. *Washington: Government printing office, 1895.*

————— *Regulation of railway rates.* Hearings before the Committee on interstate commerce, Senate of the United States, December 16, 1904 . . . —[May 23, 1905] on bills to amend the interstate commerce act. . . .

*Washington: Government printing office, 1906. 5 vol. Folded map. Diagrams. 8°.* (59th Congress, 1st session, *Senate document no. 243.*)

Title varies: Vol. 1, Regulation of railway rates. Hearings before the Committee on interstate commerce, Senate of the United States . . . on bills to amend the interstate commerce act . . . Vol. 2-4, Regulations of railway rates. Hearings before the Committee on interstate commerce,



inclusive, together with certain data . . . Comp. by order of the committee by Henry C. Adams, statistician to the United States Interstate commerce commission, and H. T. Newcomb. December 15, 1905.

*Washington: Government printing office, 1906. 811 pp. Folded table. 8°. (59th Congress, 1st session. Senate Doc. 244.)*

Appendices: I. Interstate commerce law, with changes and amendments indicated, comp. by H. T. Newcomb. II. Freight rates via railway routes. Data supplied by Mr. J. M. Smith. III. Long and short haul rates. IV. Freight rates by water routes. V. Import rates. VI. Concentration of railway control in the United States, by W. J. Meyers. VII. Synopsis of cases of alleged discrimination other than in tariff rates . . . by H. M. Bowman. VIII. Statistics of railways in the United States.

— 59th Congress, 1st session. House report no. 2491. Regulation of corporations. Report from the Committee on the judiciary. March 23, 1906. 26 pp. 8°.

"In answer to the foregoing resolution of inquiry the committee is of the opinion: First. That the commerce clause of the Constitution does not confer upon Congress the power to regulate or control the business of insurance. Second. That the Constitution does not confer upon Congress the power to regulate or control State corporations operating within the States, except so far as they may be engaged in interstate commerce."

— *Supreme court.* October term, 1903. The Northern securities company and others *vs.* the United States. Opinion delivered by Mr. Justice Harlan, with concurring and dissenting opinions. Delivered March 14, 1904. March 28, 1904.—Ordered printed.

*Washington: Government printing office, 1904. 52 pp. 8°. (58th Congress, 2d session. Senate Doc. no. 232.)*

No. 277. October term, 1903.

**Walker, Francis.** The taxation of corporations in the United States.

(*In American academy of political and social science. Annals, vol. 19, Mar., 1902, pp. 165-184.*)

"The enlargement of Federal control is a matter of necessity in many ways, and the need of it will become more and more urgent as the economic relations of different parts of the country become more intimate and the organization of business more centralized."

**Wilgus, A. L.** Should there be a federal incorporation law for commercial corporations?

*Ann Arbor, Michigan: George Wahr, publisher, 1905. 54 pp. 8°.*



**Wilgus, Horace La Fayette.** A national incorporation law. I. Need of a national incorporation law. II. A proposed national incorporation law.

[*Ann Arbor, Mich., 1901.*] 134 pp. 4.

**Young, Jeremiah Simon.** A political and constitutional study of the Cumberland road.

[*Chicago: University press, 1901.*] 102 pp. 5.

## ARTICLES IN PERIODICALS

1902. National incorporation laws for trusts. James B. Dill.

*Yale law journal*, vol. 11 (Apr., 1902): 273-295.

<sup>1</sup>Address before the Students in connection of Harvard University, March 19th, 1902.

1903. Federal incorporation for companies engaged in interstate commerce. Henry W. Palmer.

*National corporation reporter*, vol. 27 (Nov. 26, 1903): 376-377.

1903. The Dartmouth college case in the Supreme court of Illinois.

*National corporation reporter*, vol. 27 (Dec. 17, 14, 1903): 462, 470.

1904. National supervision of insurance and Paul v. Virginia. John W. Walsh.

*American law review*, vol. 38 (Mar.-Apr., 1904): 181-193.

1904. State monopolies of interstate commerce. F. Parmelee Prentice.

*North American review*, vol. 178 (Apr., 1904): 499-511.

1904. National control of the production of public utilities. Charles Claffin Allen.

*American law review*, vol. 38 (May-June, 1904): 321-333.

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*Washington review*, vol. 2 (May, 1904): 511-512.

1904. State regulation of insurance. F. G. Foss.

*American review of political and social science*, June, vol. 21 (July, 1904): 67-83.

1904. The Northern securities case. James Wilford Garner.  
*American academy of political and social science, Annals,*  
*vol. 24 (July, 1904): 123-147.*
1904. The exclusive power of Congress to regulate interstate and  
foreign commerce. David Walter Brown.  
*Columbia law review, vol. 4 (Nov. 1904): 490-501.*
1904. Is there a federal police power? Paul Fuller.  
*Columbia law review, vol. 4 (Dec. 1904): 563-588.*
1904. Government regulation of railroads.  
*Outlook, vol. 78 (Dec. 17, 1904): 963-964.*
1904. The Administration's trust plan: federal franchises pro-  
posed in Commissioner Garfield's first report: a remedy  
for the present condition of anarchy.  
*Public opinion, vol. 37 (Dec. 29, 1904): 807-808.*
1905. The limitations of the power of a state under a reserved right  
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Stern.  
*American law register, vol. 53 (Jan. Feb. Mar. 1905): 1-47,  
73-111, 145-169.*
1905. Federal control of corporations.  
*Financier, vol. 85 (Jan. 2, 1905): 23-24.*
1905. Federal law of corporations.  
*Manufacturers' record, vol. 46 (Jan. 5, 1905): 600.*
1905. Regulation of corporations by federal law. Robert L.  
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*Albany law journal, vol. 67 (Feb., 1905): 39-44.*
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address of President Roosevelt in Philadelphia at the ban-  
quet of the Union league.  
*American syren and shipping, vol. 10 (Feb. 4, 1905): 85-86.*
1905. Chief Justice Marshall on federal regulation of interstate  
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*Columbia law review, vol. 5 (Feb., 1905): 77-106.*

"Founded upon an explanation of the exact decision of the  
early case of *Gibbons v. Ogden*, to which Mr. Garfield's re-  
port seems to turn for authority."

1905. Federal control of corporation. *Current literature, vol. 38 (Feb., 1905): 105-107.*
1905. Federal control of insurance corporations. William R. Vance. *Green bag, vol. 17 (Feb., 1905): 36-37.*
1905. Federal license or national incorporation. H. L. Wiggs. *Michigan law review, vol. 21 (Feb., 1905): 201-204.*  
Analysis and criticism of Commissioner Graham's report. Concludes that the objections to incorporation made by the States still greater than in Federal license.
1905. Proposed interstate commerce legislation. David Wilcox. *Business world, vol. 10 (Feb., 1905): 97-99.*
1905. President Roosevelt and company law. *Saturday review, vol. 26 (Feb., 1905): 140-141.*
1905. Two objections to federal license. *World's work, vol. 9 (Feb., 1905): 5779-5780.*
1905. Federal control of insurance. Edwin Myles. *Insurance law journal, vol. 30 (Mar.-Apr., 1905): 135-140.*
1905. Federal regulation of corporations of dangerous character. John E. Parsons. *Green bag, vol. 17 (Mar., 1905): 100-101.*
1905. Federal regulation of corporations: a public necessity. William J. Curtis. *Green bag, vol. 17 (Mar., 1905): 138-141.*
1905. The concurrent power of the states to regulate interstate and foreign commerce. David Walter Brown. *California law review, vol. 23 (Apr., 1905): 119-117.*  
Summarizes decided cases to show that at the passage of the Sherman Antitrust act in 1890 it had some well established effect that the federal act was appropriate and fitting restraint on trading between the states. The freedom of the States was not obnoxious to the Constitution, while the Northern Securities case presented a direct restraint. Federal action was not direct in fact but the presence only of a power to restrain, "and the court, departing from the principles of strict construction, has thus converted indirect into direct restraint."
1905. Rate regulation of Federal functions. Charles A. Perry. *Harvard law review, vol. 23 (Apr., 1905): 134-137.*

1905. Federal control of corporations. Thomas Thacher.  
*Yale law journal*, vol. 14 (April, 1905): 301-311.  
 Opposes Garfield's plan for Federal incorporation "which is unconstitutional in its purpose. . . and substitutes an advanced paternalism for liberty . . ."
1905. Incorporation by the states. Herbert Knox Smith.  
*Yale law journal*, vol. 14 (May, 1905): 385-397.
1905. National incorporations. H. W. Chaplin.  
*Columbia law review*, vol. 5 (June, 1905): 415-435.  
 Maintains the legality and feasibility of federal incorporation and control supported by reference to cases. The Lottery case and the Northern securities case show, in the writer's opinion, the power of Congress "to prescribe that no corporations, or no corporations of more than a certain magnitude, shall enter the field unless they be of federal creation and thus under exclusive federal control."
1905. Great powers of the interstate commission. H. T. Newcomb.  
*Freight*, vol. 3 (June, 1905): 282-283.
1905. The power of Congress to regulate railway rates. Victor Morawetz.  
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*Bankers' magazine* (New York) vol. 71 (Aug., 1905): 153-154.
1905. The exclusiveness of the power of Congress over interstate and foreign commerce. James S. Rogers.  
*American law register*, vol. 53 (Sept., 1905): 529-571; (Oct., 1905): 593-640.  
 "This article is an endeavor to clarify the subject . . . and, as a result, to show that only the exclusive theory is sound."
1905. Constitutional law: reserved power of legislature to alter or repeal charters of corporations.  
*Albany law journal*, vol. 67 (Oct. 1905): 301-305.
1905. Federal control of interstate commerce. Harry Earl Montgomery.  
*American academy of political and social science, Annals*, vol. 26 (Nov. 1905): 642-654.
1905. Past experience of federal responsibility for corporations.  
*Commercial & financial chronicle*, vol. 81 (Dec. 30, 1905): 1818-1820.



1905. The insurance investigations. Charles Bulkley Hubbell.  
*Green bag*, vol. 17 (Dec. 1905): 686-689.  
 "If it can be found that federal supervision of life insurance is within the functions applicable to inter-state commercial relations an important safeguard will be established."
1905. Limitations upon the power of one state to exclude the corporations of another. Eugene F. Ware.  
*Green bag*, vol. 17 (Dec. 1905): 699-701.
1906. Congress, and the regulation of corporations. E. Parmalee Prentice.  
*Harvard law review*, vol. 19 (Jan. 1906): 168-199.  
 Argues that the "power to regulate freights and fares for interstate transport" does not belong to the states as decided by the Supreme Court in *Wabash Railroad Co. v. Illinois*, in 1886. "The states being thus deprived of the power to regulate interstate rates, the doctrine has now become current that the Constitution gave this power to Congress." This proposition is examined in the light of precedent and constitutional interpretation with the conclusion that Congress has no control in the matter. So that the Constitution does not permit interference either by the States or Congress.
1906. Federal regulation of quarantine. W. E. Walz.  
*Michigan law review*, vol. 4 (Jan. 1906): 189-198.  
 "Maintaining that Congress has control over quarantine, so far as interstate and foreign relations are concerned, under the commerce clause of the Constitution." (*Harvard law review*, Mar., 1906, page 393.)
1906. New fields for federal power.  
*Nation*, vol. 82 (Feb. 15, 1906): 131-132.
1906. The Dartmouth college paralogism. William Trickett.  
*American law review*, vol. 40 (Mar.-Apr. 1906): 175-187.  
 "In so far as it has made control of corporations by the states impossible, its effect has been largely pernicious."
1906. The original package ineptitude. William Trickett.  
*Columbia law review*, vol. 6 (Mar., 1906): 161-174.  
 "Has not the time arrived to abandon the judge-made canon that the immunity of an import from state control depends upon its remaining in the form in which it first appeared within the State, and in the ownership of the importer, or, retaining that, to concede the right of the importer to import for retail, and in packages designedly adapted, without breach, to purchase by consumers?"

1906. The proposals for the amendment of the interstate commerce act. John B. Daish.  
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1907. Speech of Mr. Elihu Root on National government control.  
*Manufacturer*, vol. 20 (Feb. 15, 1907): 15-16.
1907. Federal incorporations. Frederic Jesup Stimson.  
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1907. The nation versus state's rights. William Jennings Bryan. Albert J. Beveridge.  
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Howard v. Illinois Central Railroad co., 148 Fed. Rep., 997;  
and Brooks v. Southern Pacific co., 148 Fed. Rep., 986.
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